



# House of Representatives

General Assembly

**File No. 551**

January Session, 2017

House Bill No. 7251

*House of Representatives, April 12, 2017*

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## ***AN ACT CONCERNING REFORM DISTRICT TURNAROUND PLANS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (2) of subsection (e) of section 10-223e of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective July 1, 2017*):

4 (2) Notwithstanding any provision of this title or any regulation  
5 adopted pursuant to said title, except as provided in subdivision (3) of  
6 this subsection, in carrying out the provisions of subdivision (1) of this  
7 subsection and this subdivision, the State Board of Education shall take  
8 any of the following actions to improve student performance of the  
9 school district, a particular school in the district or among student  
10 subgroups, and remove the school or district from the list of schools or  
11 districts designated and listed as a low achieving school or district  
12 pursuant to said subdivision (1), and to address other needs of the  
13 school or district: (A) Require an operations audit to identify possible  
14 programmatic savings and an instructional audit to identify any  
15 deficits in curriculum and instruction or in the learning environment of

16 the school or district; (B) require the local or regional board of  
17 education for such school or district to use state and federal funds for  
18 critical needs, as directed by the State Board of Education; (C) provide  
19 incentives to attract highly qualified teachers and principals; (D) direct  
20 the transfer and assignment of teachers and principals; (E) require  
21 additional training and technical assistance for parents and guardians  
22 of children attending the school or a school in the district and for  
23 teachers, principals, and central office staff members hired by the  
24 district; (F) require the local or regional board of education for the  
25 school or district to implement model curriculum, including, but not  
26 limited to, recommended textbooks, materials and supplies approved  
27 by the Department of Education; (G) identify schools for  
28 reconstitution, as may be phased in by the commissioner, as state or  
29 local charter schools, schools established pursuant to section 10-74g,  
30 innovation schools established pursuant to section 10-74h, or schools  
31 based on other models for school improvement, or for management by  
32 an entity other than the local or regional board of education for the  
33 district in which the school is located; (H) direct the local or regional  
34 board of education for the school or district to develop and implement  
35 a plan addressing deficits in achievement and in the learning  
36 environment as recommended in the instructional audit; (I) assign a  
37 technical assistance team to the school or district to guide school or  
38 district initiatives and report progress to the Commissioner of  
39 Education; (J) establish instructional and learning environment  
40 benchmarks for the school or district to meet as it progresses toward  
41 removal from the list of low achieving schools or districts; (K) provide  
42 funding to any proximate district to a district designated as a low  
43 achieving school district so that students in a low achieving district  
44 may attend public school in a neighboring district; (L) direct the  
45 establishment of learning academies within schools that require  
46 continuous monitoring of student performance by teacher groups; (M)  
47 require a local [and] or regional [boards] board of education to (i)  
48 undergo training designed to improve [their] the operational efficiency  
49 and effectiveness of the board of education as leaders of [their  
50 districts'] its district improvement plans by distinguishing and making

51 clear the proper roles and different functions of the board of education,  
52 including the responsibility of developing the improvement plans and  
53 education policy for the district, and the school and district-level  
54 administrators, including the responsibility of implementing such  
55 improvement plans and policies, and (ii) submit an annual action plan  
56 to the Commissioner of Education outlining how, when and in what  
57 manner their effectiveness shall be monitored; (N) require the  
58 appointment of (i) a superintendent, approved by the Commissioner of  
59 Education, or (ii) a district improvement officer, selected by the  
60 commissioner, whose authority is consistent with the provisions of  
61 section 138 of public act 11-61, and whose term shall be for one school  
62 year, except that the State Board of Education may extend such period;  
63 or (O) any combination of the actions described in this subdivision or  
64 similar, closely related actions.

65       Sec. 2. (NEW) (*Effective July 1, 2017*) (a) Not later than January 1,  
66 2018, the Department of Education shall develop a model school  
67 district responsibilities agreement. Such model agreement shall  
68 include, but need not be limited to, (1) a statement of guiding  
69 principles regarding the proper roles and functions of the board of  
70 education, the superintendent of schools for the school district and  
71 administrators, as defined in section 10-144e of the general statutes, (2)  
72 an enumeration of the specific duties and responsibilities of the board  
73 of education, the superintendent and administrators, and (3) signature  
74 lines for the members of the board of education, the superintendent  
75 and other administrators to acknowledge that they understand and  
76 will comply with the provisions of the agreement. The department  
77 shall make such model agreement available for use by local and  
78 regional boards of education and on its Internet web site.

79       (b) (1) For the school year commencing July 1, 2018, the local or  
80 regional board of education for a town designated as an alliance  
81 district, as defined in section 10-262u of the general statutes, as  
82 amended by this act, shall enter into such model agreement with the  
83 superintendent of schools and any appropriate administrators of the  
84 school district, and shall include such model agreement in the alliance

85 district plan for such board, as described in said section 10-262u.

86 (2) For the school year commencing July 1, 2018, any other local or  
87 regional board of education may enter into such model agreement  
88 with the superintendent of schools and any appropriate administrators  
89 of the school district.

90 (c) Any local or regional board of education that enters into the  
91 model agreement pursuant to subsection (b) of this section shall enter  
92 into a memorandum of understanding with the Commissioner of  
93 Education that such board will honor the terms of the model  
94 agreement.

95 Sec. 3. Subsection (d) of section 10-262u of the general statutes is  
96 repealed and the following is substituted in lieu thereof (*Effective July*  
97 *1, 2017*):

98 (d) The local or regional board of education for a town designated  
99 as an alliance district may apply to the Commissioner of Education, at  
100 such time and in such manner as the commissioner prescribes, to  
101 receive any increase in funds received over the amount the town  
102 received for the prior fiscal year pursuant to subsection (a) of section  
103 10-262i. Applications pursuant to this subsection shall include  
104 objectives and performance targets and a plan that are developed, in  
105 part, on the strategic use of student academic performance data. Such  
106 plan may include, but not be limited to, the following: (1) A tiered  
107 system of interventions for the schools under the jurisdiction of such  
108 board based on the needs of such schools, (2) ways to strengthen the  
109 foundational programs in reading, through the intensive reading  
110 instruction program pursuant to section 10-14u, to ensure reading  
111 mastery in kindergarten to grade three, inclusive, with a focus on  
112 standards and instruction, proper use of data, intervention strategies,  
113 current information for teachers, parental engagement, and teacher  
114 professional development, (3) additional learning time, including  
115 extended school day or school year programming administered by  
116 school personnel or external partners, (4) a talent strategy that  
117 includes, but is not limited to, teacher and school leader recruitment

118 and assignment, career ladder policies that draw upon guidelines for a  
119 model teacher evaluation program adopted by the State Board of  
120 Education, pursuant to section 10-151b, and adopted by each local or  
121 regional board of education. Such talent strategy may include  
122 provisions that demonstrate increased ability to attract, retain,  
123 promote and bolster the performance of staff in accordance with  
124 performance evaluation findings and, in the case of new personnel,  
125 other indicators of effectiveness, (5) training for school leaders and  
126 other staff on new teacher evaluation models, (6) provisions for the  
127 cooperation and coordination with early childhood education  
128 providers to ensure alignment with district expectations for student  
129 entry into kindergarten, including funding for an existing local Head  
130 Start program, (7) provisions for the cooperation and coordination  
131 with other governmental and community programs to ensure that  
132 students receive adequate support and wraparound services, including  
133 community school models, (8) provisions for implementing and  
134 furthering state-wide education standards adopted by the State Board  
135 of Education and all activities and initiatives associated with such  
136 standards, (9) strategies for attracting and recruiting minority teachers  
137 and administrators, (10) provisions for the enhancement of bilingual  
138 education programs, pursuant to section 10-17f, or other language  
139 acquisition services to English language learners, including, but not  
140 limited to, participation in the English language learner pilot program,  
141 established pursuant to section 10-17n, (11) entering into the model  
142 school district responsibilities agreement, described in section 2 of this  
143 act, (12) leadership succession plans that provide training and learning  
144 opportunities for administrators and are designed to assist in the  
145 seamless transition of school and district personnel in and out of  
146 leadership positions in the school district and the continuous  
147 implementation of plans developed under this subsection, and [(11)]  
148 (13) any additional categories or goals as determined by the  
149 commissioner. Such plan shall demonstrate collaboration with key  
150 stakeholders, as identified by the commissioner, with the goal of  
151 achieving efficiencies and the alignment of intent and practice of  
152 current programs with conditional programs identified in this

153 subsection. The commissioner may (A) require changes in any plan  
154 submitted by a local or regional board of education before the  
155 commissioner approves an application under this subsection, and (B)  
156 permit a local or regional board of education, as part of such plan, to  
157 use a portion of any funds received under this section for the purposes  
158 of paying tuition charged to such board pursuant to subdivision (1) of  
159 subsection (k) of section 10-264~~l~~ or subsection (b) of section 10-264o.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2017</i>	10-223e(e)(2)
Sec. 2	<i>July 1, 2017</i>	New section
Sec. 3	<i>July 1, 2017</i>	10-262u(d)

Section 1	<i>July 1, 2017</i>	10-223e(e)(2)
Sec. 2	<i>July 1, 2017</i>	New section
Sec. 3	<i>July 1, 2017</i>	10-262u(d)

**ED**            *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### ***OFA Fiscal Note***

#### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 18 \$</b>	<b>FY 19 \$</b>
Education, Dept.	GF - Cost	130,000	80,000
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Cost	30,464	30,464

Note: GF=General Fund

***Municipal Impact:*** None

#### ***Explanation***

The bill requires the State Department of Education (SDE) to develop a model school district responsibilities agreement. It is anticipated that developing the agreement would result in a one-time cost of up to \$50,000, in FY 18, associated with development, training, and roll-out of the program in alliance districts. SDE would also require one additional Education Consultant to enforce the various agreements. The annual salary for the Education Consultant would be \$80,000 plus fringe benefits of \$30,464.

#### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

<sup>1</sup>The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 38.08% of payroll in FY 18 and FY 19.

**OLR Bill Analysis****HB 7251*****AN ACT CONCERNING REFORM DISTRICT TURNAROUND PLANS.*****SUMMARY**

This bill requires the State Department of Education (SDE) to develop a model school district responsibilities agreement by January 1, 2018 and make it available on the department website for local and regional boards of education to use. Among other things, the agreement must contain guiding principles and specific duties for boards of education and district administrators.

It requires all alliance district boards and administrators to enter into such an agreement for the 2018-19 school year. It is unclear how this contracting requirement comports with the Contracts Clause of the U.S. Constitution (see COMMENT). Any school district that is not an alliance district may choose to enter into this type of agreement at that time, as well. Any board that enters into the model agreement must also enter into a memorandum of understanding with the education commissioner that the board will honor the terms of the model agreement.

The bill also requires alliance districts to include additional provisions in the performance plans they must submit to the education commissioner when applying for alliance district funding.

Additionally, the bill specifies that if the State Board of Education (SBE) chooses to require training for boards of education in low-performing districts, then this training must clarify the proper roles and functions of the board, the school, and district-level administrators.



EFFECTIVE DATE: July 1, 2017

### **SCHOOL DISTRICT RESPONSIBILITIES AGREEMENT**

The bill requires SDE to include at least the following provisions in its model school district responsibilities agreement:

1. a statement of guiding principles about the proper roles and functions of the board of education, superintendent, and administrators;
2. an enumeration of the specific duties and responsibilities of the board, superintendent, and administrators; and
3. signature lines for the board members, superintendent, and other administrators to acknowledge that they understand and will comply with the agreement provisions.

The bill does not prohibit SDE from including other provisions of its choosing in the agreement.

### **TRAINING FOR LOW-PERFORMING SCHOOL DISTRICTS**

Current law allows SBE to take various actions to aid low-performing school districts, one of which is to require a local or regional board of education to undergo training to improve their operational efficiency and their effectiveness as leaders of their respective districts' improvement plans. The bill also specifies that the training must also distinguish and clarify the proper roles and different functions of (1) the board, including the responsibility to develop district improvement plans and education policy, and (2) the school and district-level administrators, including the responsibility to implement these improvement plans and policies.

### **ALLIANCE DISTRICT PLANS**

The law allows alliance districts, the 30 districts in the state with the lowest student performance, to apply to the education commissioner for an increase in their education cost sharing grant. These districts must submit an improvement plan as part of their application.

The bill requires alliance districts to develop these plans, in part, by strategically using student academic performance data. It requires the plans to include the model school district responsibilities agreement and leadership succession plans.

## COMMENT

### ***Possible Contracts Clause Violation***

As the bill requires boards of education to enter into agreements with their district administrators that contain model terms established by the state, and these terms may contradict those already contained in administrators' employment contracts with the boards, it is possible that this requirement could be challenged as a violation of the Contracts Clause of the U.S. Constitution (Article 1, Section 10).

The Contracts Clause of the U.S. Constitution bars states from passing any law that impairs the obligation of contracts. However, the U. S. Supreme Court has held that claims of a contract clause violation must undergo a three-step analysis to be found unconstitutional. Courts must determine whether (1) there is a contractual relationship, (2) a change in a law has impaired that relationship, and (3) the impairment is substantial (*General Motors Corp. v. Romein*, 503 U. S. 181 (1992)). If the court determines that the contract has been substantially impaired, it must then determine whether the law at issue has a legitimate and important public purpose and whether the adjustment of the rights of the parties to the contractual relationship was reasonable and appropriate in light of that purpose. A challenged law will not be held to impair the contract clause if the impairment, although substantial, is reasonable and necessary to fulfill an important public purpose (*Energy Reserves Group v. Kansas Power & Light*, 459 U. S. 400, 411-412 (1983)).

## COMMITTEE ACTION

Education Committee

Joint Favorable

Yea 36 Nay 0 (03/22/2017)